



A BILL FOR AN ORDINANCE

TO AMEND THE NORTH SHORE SUSTAINABLE COMMUNITIES PLAN.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Intent. The purpose of this ordinance is to amend Chapter 24, Article 8, Revised Ordinances of Honolulu and to replace the North Shore Sustainable Communities Plan (SCP) incorporated therein with the attached North Shore Sustainable Communities Plan, which has been prepared in accordance with the prescribed requirements of Section 6-1509 of the Revised Charter of the City and County of Honolulu 1973, as amended, relating to development plans, and is to be accorded force and effect as such for all Charter- and ordinance-prescribed purposes.

This sustainable communities plan ordinance adopts a revised sustainable communities plan for the North Shore that presents a vision for the North Shore's future development consisting of policies, guidelines, and conceptual schemes that will serve as a policy guide for more detailed zoning maps and regulations and for public and private sector investment decisions.

This ordinance is enacted pursuant to the powers vested in the City and County of Honolulu by Chapter 46, and Section 226-58 Hawaii Revised Statutes.

SECTION 2. Article 8 of Chapter 24, Revised Ordinances of Honolulu 1990, as amended ("North Shore"), is repealed.

SECTION 3. Chapter 24, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Article 8 to read as follows:

"Article 8. North Shore

Sec. 24-8.1 Definitions.

Unless the context otherwise requires, the definitions contained in this section shall govern the construction of this article.

"Charter" or "Revised Charter" means the Revised Charter of the City and County of Honolulu 1973, as amended.

"City" means the City and County of Honolulu.

"Council" means the city council of the City and County of Honolulu.



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“County” means the City and County of Honolulu.

“Department” or “department of planning and permitting” means the department of planning and permitting of the City and County of Honolulu.

“Development” means any public improvement project, or any public or private project requiring a zoning map amendment.

“Development plan” or “sustainable communities plan” means a plan document for a given geographic area which consists of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan for the several parts of the City and County of Honolulu.

“Director” means the director of the department of planning and permitting.

“Environmental assessment” or “EA” means a written evaluation prepared in compliance with the environmental council’s procedural rules and regulations implementing Hawaii Revised Statutes Chapter 343 to determine whether an action may have a significant environmental effect.

“Environmental impact statement” or “EIS” means an informational document prepared in compliance with the environmental council’s procedural rules and regulations implementing HRS Chapter 343; and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

“Finding of no significant impact” or “FONSI” means a determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement.

“Functional plan” means the public facility and infrastructure plans prepared by public agencies to further implement the vision, policies and guidelines set forth in the North Shore Sustainable Communities Plan.

“General plan” means the general plan of the City and County of Honolulu as defined by Section 6-1508 of the charter.

“Hawaii Revised Statutes” or “HRS” means Hawaii Revised Statutes, as amended.



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“Planning commission” means the planning commission of the City and County of Honolulu.

“Project master plan” means a conceptual plan that covers all phases of a development project. The project master plan also describes how the project conforms to the vision for the North Shore, and the relevant policies and guidelines for the site, the surrounding lands, and the region.

“Revised Ordinances of Honolulu” or “ROH” means Revised Ordinances of Honolulu 1990, as amended.

“Significant zone change” means a zone change which involves at least one of the following:

- (1) Changes in zoning of 10 or more acres of land to any zoning district or combination of zoning districts, excluding preservation or agricultural zoning districts;
- (2) Any change in zoning of more than 5 acres to an apartment, resort, commercial, industrial or mixed use zoning district; or
- (3) Any development which would have a major social, environmental, or policy impact, or major cumulative impacts due to a series of applications in the same area.

“Special area” means a designated area within the North Shore Sustainable Communities Plan area that requires more detailed planning efforts beyond what is contained in the North Shore Sustainable Communities.

“Special area plan” means a plan for a special area.

“Unilateral agreement” means a conditional zoning agreement made pursuant to ROH Section 21-2.80 or any predecessor provision that imposes conditions on a landowner or developer’s use of the property at the time of the enactment of an ordinance for a zoning change.

Sec. 24-8.2 Applicability and intent.

- (a) The North Shore Sustainable Communities Plan area extends from Kaena Point to Waialeale Gulch near Kawela Bay, and from the shoreline to the slopes of the northerly ends of Waianae and Koolau mountain ranges.



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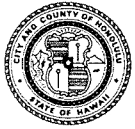
- (b) It is the intent of the North Shore Sustainable Communities Plan to provide a guide for orderly and coordinated public and private sector development in a manner that is consistent with applicable general plan provisions, including the designation of North Shore as a rural area where growth will be managed so that "an undesirable spreading of development is prevented."
- (c) The provisions of this article and the North Shore Sustainable Communities Plan are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide resource protection and land use within North Shore. This article shall guide any development for North Shore, public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the city's annual capital improvement program budget.

Sec. 24-8.3 Adoption of the North Shore Sustainable Communities Plan.

- (a) This article is adopted pursuant to Revised Charter Section 6-1509 and provides a self-contained sustainable communities plan document for North Shore. Upon enactment of this article, all proposed developments will be evaluated against how well they fulfill the vision for North Shore enunciated in the North Shore Sustainable Communities Plan and how closely they meet the policies and guidelines selected to implement that vision.
- (b) The plan entitled "North Shore Sustainable Communities Plan," attached as Exhibit A is hereby adopted by reference and made a part of Chapter 24, Article 8, Revised Ordinances of Honolulu.
- (c) Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety is no longer applicable to the North Shore Sustainable Communities Plan area. The North Shore Sustainable Communities Plan, as adopted by reference by this ordinance, supersedes any and all common provisions previously applicable to the North Shore area.

Sec. 24-8.4 Existing zoning and subdivision ordinances, approvals, and applications.

- (a) All existing subdivisions and zoning approved prior to the effective date of this ordinance shall continue to remain in effect following the enactment of this ordinance.
- (b) Subdivision and zoning ordinances applicable to the North Shore Sustainable Communities Plan area enacted prior to the effective date of this ordinance shall continue to regulate the use of land within demarcated zones of the North Shore



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Sustainable Communities Plan area until such time as the subdivision and zoning ordinances may be amended to be consistent with the North Shore Sustainable Communities Plan.

- (c) Notwithstanding adoption of the North Shore Sustainable Communities Plan, applications for subdivision actions and land use permits accepted by the department for processing prior to the effective date of this ordinance shall continue to be subject only to applicable ordinances and rules and regulations in effect at the time the application is accepted for processing.

Sec. 24-8.5 Consistency.

- (a) The performance of prescribed powers, duties and functions by all city agencies shall conform to and implement the policies and provisions of this article and the North Shore Sustainable Communities Plan. Pursuant to Revised Charter Section 6-1511.3, public improvement projects and subdivision and zoning ordinances shall be consistent with the North Shore Sustainable Communities Plan, as adopted.
- (b) Any questions of interpretation regarding the consistency of a proposed development with the provisions of the North Shore Sustainable Communities Plan and the objectives and policies of the general plan shall ultimately be resolved by the council.
- (c) In determining whether a proposed development is consistent with the North Shore Sustainable Communities Plan, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, policies, and guidelines set forth in the North Shore Sustainable Communities Plan.
- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreements, and the North Shore Sustainable Communities Plan, the existing subdivision or zoning ordinances shall prevail until such time as they may be amended to be consistent with the North Shore Sustainable Communities Plan.

Sec. 24-8.6 Review of development and other applications.

The review of applications for zone changes and other development approvals will be guided by the vision of the North Shore Sustainable Communities Plan. Decisions on all proposed developments shall be based on the extent to which the



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project enabled by the development approval supports the policies and guidelines of the North Shore Sustainable Communities Plan.

The director may review other applications for improvements to land to help the responsible agency determine whether a proposed improvement supports the policies and guidelines of the North Shore Sustainable Communities Plan.

Sec. 24-8.7 Zone change applications.

- (a) All zone change applications relating to land in the North Shore Sustainable Communities Plan area will be reviewed by the department for consistency with the general plan, the North Shore Sustainable Communities Plan, and any applicable special area plan.
 - (1) The director will recommend either approval, approval with changes, or denial. The director's written review of the application shall become part of the zone change report which will be sent to the planning commission and the city council.
 - (2) A project master plan shall be a part of an EA or EIS for any project involving 10 acres or more of land. The director shall review the project master plan for its consistency with the North Shore Sustainable Communities Plan.
 - (3) Any development or phase of a development already covered by a project master plan which has been fully reviewed under the provisions of this article shall not require a new project master plan, provided the director determines that the proposed zone change is generally consistent with the existing project master plan for the affected area.
 - (4) If a final EIS has already been accepted for a development, including one accepted prior to the effective date of this ordinance, then a subsequent project master plan shall not be required for the development.
- (b) Projects which involve a significant zone change shall be required to submit an environmental assessment to the department of planning and permitting prior to an application for a zone change being accepted. Any development or phase of a development which has already been assessed under the National Environmental Policy Act, HRS Chapter 343, ROH Chapter 25, or the provisions of this article, and for which a FONSI has been filed or a required EIS has been accepted, shall not be subject to further EA or EIS requirements under this chapter.



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- (c) The environmental assessment will be reviewed by the department. Based on review of the environmental assessment, the director will determine whether an environmental impact statement will be required or whether a FONSI should be issued.
- (d) If an environmental impact statement is required, the environmental impact statement must be accepted by the director before a zone change application shall be initiated.
- (e) Zone changes shall be processed in accordance with this section, Section 5.5 of the North Shore Sustainable Communities Plan, and ROH Chapter 21.

Sec. 24-8.8 Annual capital improvement program review.

Annually, the director shall work jointly with the director of the department of budget and fiscal services and the city agencies to review all projects in the city's capital improvement program and budget for compliance and consistency with the general plan, the North Shore Sustainable Communities Plan and other development plans, any applicable special area plan provisions, and the appropriate functional plans. The director of planning and permitting will prepare a written report of findings to be submitted to the council in accordance with Revised Charter Section 6-1503.

Sec. 24-8.9 Five-year review.

- (a) The department of planning and permitting shall conduct a comprehensive review of the North Shore Sustainable Communities Plan, adopted by reference in Section 24-8.3(b), every five years subsequent to the plan's adoption and shall report its findings and recommended revisions to the council.
- (b) The North Shore Sustainable Communities Plan will be evaluated to assess the appropriateness of the plan's regional vision, policies, and guidelines, and implementing actions, as well as its consistency with the general plan.
- (c) Nothing in this section shall be construed as prohibiting the processing of a revision to the North Shore Sustainable Communities Plan in the event either the biennial report of the director of planning and permitting or council recommends consideration of such a revision, pursuant to the Revised Charter of the City and County of Honolulu.



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Sec. 24-8.10 Authority.

Nothing in this article shall be construed as an abridgement or delegation of the responsibility of the director, or of the inherent legislative power of the city council, to review or revise the North Shore Sustainable Communities Plan pursuant to the charter and the above procedures.

Sec. 24-8.11 Severability.

If any provision of this article or the application thereof to any person or property or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 24-8.12 Conflicting provisions.

Any provision contained in this article shall prevail should there be any conflict with any other provisions under Chapter 24."

SECTION 4. Effective Date of the North Shore Sustainable Communities Plan. The City Clerk is hereby directed to date the North Shore Sustainable Communities Plan with the effective date of this ordinance.



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SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Nestor Garcia (BR)

DATE OF INTRODUCTION:


December 15, 2010
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

APPROVED this 2nd day of May, 2011.


PETER B. CARLISLE, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE 11-3

BILL 61 (2010), CD2

Introduced: 12/15/10 By: NESTOR GARCIA (BR)

Committee: PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND THE NORTH SHORE SUSTAINABLE COMMUNITIES PLAN.

Links: [BILL 61 \(2010\) EXHIBIT A](#)
[BILL 61 \(2010\), CD1 EXHIBIT A](#)
[BILL 61 \(2010\), CD2 EXHIBIT A](#)
[CR-69 \(2011\)](#)
[CR-99 \(2011\)](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

NOTE: COUNCILMEMBERS CHANG, GABBARD TAMAYO, HARIMOTO AND MARTIN
TOOK OFFICE ON SUNDAY, JANUARY 2, 2011.

NOTE: COUNCILMEMBER BERG TOOK OFFICE ON WEDNESDAY, JANUARY 19,
2011 FILLING THE VACANCY FOR DISTRICT I.

COUNCIL	01/26/11	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON PLANNING.							
ANDERSON	Y	BERG	Y	CACHOLA	A	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

PLANNING	03/01/11	CR-69(11) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> (<u>EXHIBIT A</u>) FORM AND SCHEDULING OF A PUBLIC HEARING.							
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PUBLISH	03/05/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
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COUNCIL/PUBLIC HEARING	03/16/11	CR-69(11) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PLANNING.							
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ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

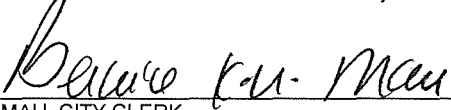
PUBLISH	03/29/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
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PLANNING	03/29/11	CR-99(11) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> (<u>EXHIBIT A</u>) FORM.							
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COUNCIL	04/20/11	CR-99(11) ADOPTED, BILL 61 (2010), CD2 PASSED THIRD READING AS AMENDED, AND FINDINGS OF FACT ADOPTED.							
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ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER